



# *The Commonwealth of Massachusetts*

## *Executive Office of Environmental Affairs*

*251 Causeway Street, Suite 900*

*Boston, MA 02114-2119*

Mitt Romney  
GOVERNOR

Kerry Healey  
LIEUTENANT GOVERNOR

Ellen Roy  
Herzfelder  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
or (617) 626-1180

December 26, 2003

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Hoosac Wind Project  
PROJECT MUNICIPALITIES : Florida and Monroe  
PROJECT WATERSHEDS : Deerfield and Hudson (Hoosac)  
EOEA NUMBER : 13143  
PROJECT PROPONENT : enXco Inc.  
DATE NOTICED IN MONITOR : November 26, 2003

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

### Summary of Findings

The project involves development of a renewable energy facility comprised of twenty wind turbine generators, with a capacity of 30 megawatts. As explained below, the impacts of the project are sufficiently understood to allow the state permitting agencies to act on the project. The review of the Environmental Notification Form (ENF) has also served to demonstrate that the potential impacts of the project do not warrant the preparation of an EIR. The project will have significant environmental benefits, and advances a number of Commonwealth policies on energy and air quality. The permitting process can resolve the remaining issues, and the proponent has made a number of

commitments to ensure that impacts are avoided, minimized, or mitigated. The proponent, in cooperation with the Massachusetts Technology Collaborative and Office of Commonwealth Development, has also committed to a follow-up monitoring program, which will provide data useful well beyond the boundaries of the site.

Standard and Purpose of MEPA Review

I am aware that my decision in this case will set the tone for further development of wind power on the Massachusetts mainland. Today's decision will undoubtedly invite comparisons with EOEAs to require further review for several proposed offshore wind farms (EOEA #12643, #12992, #12993, #12994, #12995, and #12996). While setting an important precedent, my decision today does not mean that EOEAs have changed its policies for review of offshore wind farms. The offshore wind farms have all raised a significant issue with respect to use of the Commonwealth's Territorial Sea, over which the Commonwealth must exercise a fiduciary responsibility to its citizens as trustee of the public's interest in Commonwealth tidelands. It is therefore appropriate to resolve, in the MEPA process, the issues surrounding use of public trust lands for generation of electricity (or transport of electricity generated in adjacent federal waters), prior to making any permitting decisions on such a proposed use. Similarly, today's decision should not be read to mean that EOEAs would necessarily allow every land based wind farm to proceed without further MEPA review. Today's decision, like every decision under MEPA, is grounded in the facts of the specific project under review.

Upon review of an ENF, I must make a determination of whether the potential impacts of a project warrant further study under MEPA in the form of an EIR. I have reviewed the ENF and public comments received, and have consulted with various state and federal agencies. I have also exercised my discretionary authority to seek information and input from other sources, and to use this information from other sources to help determine the need for preparation of an EIR (see 301 CMR 11.06(2)). I have reviewed several supplemental reports prepared for the proponent<sup>1</sup>, including but not limited to a Wildlife Habitat Evaluation, Natural Resource Characterization Report, Breeding Bird Survey, and Phase I Avian Risk Assessment. The proponent has provided supplemental information on alternative sites that it considered, a summary of its lighting plan, and other mitigation commitments. In addition, I have reviewed documents

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<sup>1</sup> These reports were not included with the ENF but were discussed at the MEPA consultation session and site visit and subsequently distributed to attendees of the consultation session upon request.

relating to impacts from the nearby Searsburg, Vermont wind farm, and have consulted informally with appropriate government agencies in Vermont. I have also reviewed relevant information submitted as part of the local review process<sup>2</sup>.

I have balanced the clear and urgent need for development of renewable energy in the Commonwealth<sup>3</sup> and the promise of significant air quality benefits from the proposed project, against the potential for impacts on wildlife and the alteration of the appearance of two prominent and largely undeveloped ridges. Upon review of the record in this case, I find that the potential environmental impacts of the project have been adequately described for purposes of MEPA review, and that the potential impacts do not warrant preparation of an EIR. I find that the project as designed has significant positive impacts, and that the proponent has avoided and minimized the potential negative impacts to the greatest extent feasible. The proponent has committed to appropriate mitigation for unavoidable impacts, and I anticipate that the permitting process will lead to further refinement of the mitigation commitments. The project may thus proceed to the state permitting agencies, and the formal MEPA review is concluded.

#### Renewable Energy and Public Policy

Massachusetts may lack economically significant reserves of many traditional fuels, but it does not lack for wind. The high ridges and mountains of western and central Massachusetts, as well as large areas on and near the coast, have the potential to support significant development of wind resources. Wind energy represents an indigenous source of virtually emissions-free power. However, as with all other power sources, wind power has potential drawbacks. Potential impacts to wildlife remain an important concern, as does the highly visible nature of wind turbines (modern wind turbines are large and the best wind fields are often in the most visible and scenic of places). The placement of wind turbines in ecologically sensitive areas can also raise concerns with site-specific construction and operational impacts (for example, to the ecology of surrounding forests or benthic communities depending on location).

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<sup>2</sup> The supplemental information received has provided a level of detail generally commensurate with the level of detail in an Expanded ENF. In any future filings for renewable energy projects, I would encourage the proponents of such projects to file Expanded ENFs so that relevant supplemental reports can receive wide circulation at the beginning of the ENF review period.

<sup>3</sup> Massachusetts currently has total air quality emissions of approximately 19.2 tons per person per year (against a national average of 26.3 tons per person per year).

Despite the potential drawbacks, I have stated repeatedly (see EOE #12992, #12993, #12994, #12995, and #12996) that I strongly support the development of renewable energy in the Commonwealth. I firmly believe that an ambitious program of renewable energy development is in the interests of the citizens of Massachusetts, and that the Commonwealth has an obligation to its citizens to promote renewable energy. For the foreseeable future, wind power is by far the most promising renewable energy technology for Massachusetts.

At a global and national level, the potential for climate change, global climate disruption, and rapid sea level rise create an urgent need for sustainable alternatives to hydrocarbon combustion. At a regional level, development of a indigenous renewable energy market will help diversify New England's energy mix<sup>4</sup>, improve regional air quality, and create a hedge against price fluctuations in gas and oil prices.

At a state level, the project advances a number of important state goals and policies. Development of renewable energy will set Massachusetts in a leadership role in an emerging market; is necessary to ensure compliance with the Commonwealth's legally mandated renewable energy portfolio standards (M.G.L. ch. 25A s. 11F and 225 CMR 14.00)<sup>5</sup>; and will help Massachusetts meet its commitments for reduction of greenhouse gases made in the Climate Change Action Plan and Resolution 27-7 of the Annual Conference of New England Governors and Eastern Canadian Premiers (Québec, August 2002). The Hoosac Wind Project represents an excellent opportunity to combine economic growth with environmental protection, a goal that finds expression as Commonwealth policy in Executive Order 385 (Planning for Growth). The project also directly advances two key goals of the Sustainable Development Principles (increasing the supply of renewable energy and fostering sustainable business) recently adopted by the Commonwealth's Office of Commonwealth Development.

Using the most recent (2001) marginal emissions rates available from NEPOOL, the Hoosac Wind Project is estimated to result in emissions offsets of approximately 213 tons per year (tpy) of sulfur dioxide (a major component of acid rain), 74 tpy of nitrogen oxides (a major component of smog), and 60,000 tpy of

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4 Natural gas contributed to 4% of electrical production in New England in 1993. By 2000, that figure had increased to 20%, and by 2005 the Massachusetts Division of Energy Resources projects that New England will rely on natural gas for 37% of its electrical generation.

5 The renewable energy portfolio standards require that by 2009 Massachusetts will need to obtain 750-1000 megawatts of power from renewable sources. Furthermore, the Commonwealth has adopted air quality goals to reduce emissions of greenhouse gases to 1990 levels by 2010; to reduce greenhouse gas emissions to 10% below 1990 levels by 2015; and ultimately to reduce greenhouse gas emissions by 75%-85% to achieve sustainability and climate stability.

carbon dioxide (a major greenhouse gas). When the project becomes operational (anticipated late next year) it will represent the largest operational wind power facility in New England. Symbolically and substantively, the project represents an important commitment to the future of renewable energy in Massachusetts, and an affirmation of the Commonwealth's resolve to reduce dependence on fossil fuels. The Hoosac Wind Project is an important milestone for renewable energy production in Massachusetts.

The comments from the towns of Florida and Monroe recognize that the project combines sustainable energy development and economic opportunity for the host municipalities. The town governments of both municipalities (as well as substantial majorities of the residents of the towns) have voiced strong support for the project. I have also received letters in strong support of the project from both Senator Andrea Nuciforo and Representative Daniel Bosley, in whose legislative districts the project is located. I commend the people of Florida and Monroe and their elected officials for pursuit of their enlightened self-interest and progressive actions on and commitment to sustainable energy development.

#### Project Description

As described in the ENF, the project involves the development of a renewable energy facility (wind farm) with a capacity of up to 30 megawatts (MW). The facility consists of eleven 1.5 MW wind turbines on Bakke Mountain in the Town of Florida, and nine 1.5 MW turbines on Crum Hill in the towns of Monroe and Florida (eight turbines on Crum Hill are located within Monroe and one turbine on Crum Hill is located within Florida). All turbines will rise 213 feet above grade to the nacelle, and 320 feet above grade at full vertical blade extension. The project also involves construction of access roads, interconnection cables, 34 kV cables to connect to the existing distribution grid, new transmission lines along existing rights-of-way, a 1,000 square foot maintenance building, an 18,300 square foot electrical substation, a 336 square foot equipment building, and associated infrastructure. The project will take place on private land and land owned by the towns of Florida and Monroe.

#### Permits and Jurisdiction

The project is undergoing review pursuant to Section 11.03(1)(b)1. of the MEPA regulations, because the project

requires state permitting and results in the direct alteration of more than 25 acres of land. The project is also undergoing review pursuant to Section 11.03(2)(b)2. of the MEPA regulations, because the project involves the "take" of a state-listed rare species and the project site is greater than two acres in size. The project also meets a MEPA filing threshold at Section 11.03(7)(b)1. of the MEPA regulations, because the project involves construction of a new electric generation facility with a capacity of more than 25 megawatts.

The project will require an Access Permit from the Massachusetts Highway Department and a Conservation Permit from the Massachusetts Division of Fisheries and Wildlife. In addition, the project will require Orders of Conditions from the Florida and Monroe Conservation Commissions (and hence Superseding Orders from the Department of Environmental Protection if one or both local Orders were appealed). The project will require review by the Massachusetts Historical Commission and the Massachusetts Aeronautics Commission<sup>6</sup>. At the federal level, the project will require review by the United States Army Corps of Engineers (USACOE) and the Federal Aviation Administration (FAA). The project is also undergoing Special Permit review in both Florida and Monroe.

The proponent is not seeking direct financial assistance from any agency of the Commonwealth for the project. However, the proponent may sell Renewable Energy Credits to the Massachusetts Technology Collaborative (MTC), a quasi-state agency, on a put and collar option basis for a specified period of time. The options, if exercised, would involve a guaranteed price for the Renewable Energy Credits. I interpret the agreement between the proponent and MTC to be a form of "indirect financial assistance" within the meaning of that term in Section 11.02 of the MEPA Regulations<sup>7</sup>. Because the project involves a form of financial assistance from an agency of the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA statute.

## Alternatives

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<sup>6</sup> The project will not require review by the Massachusetts Energy Facilities Siting Board.

<sup>7</sup> I recognize that this interpretation of "financial assistance" goes beyond the traditional definition of the term as used by most government agencies, and I recognize that other state or federal government agencies may not consider the agreement between the proponent and MTC to constitute "financial assistance." Nonetheless, the MEPA regulations define the term quite broadly, and specifically include indirect assistance as a category that I must consider when rendering any determination.

The proponent considered several alternative locations for the proposed wind farm, but chose the Bakke Mountain and Crum Hill sites based on the quality of the wind resource, proximity to existing infrastructure, and potential environmental impacts. The ENF does not address the alternative sites in detail, although the MEPA consultation session included discussion of the site screening analysis. I accept that the proponent's preferred location generally minimizes impacts and that the potential impacts from the project do not rise to the level that would make preparation of an EIR appropriate. It is possible that several of the proponent's alternative sites may be proposed for future wind farms. I will review wind farms on other sites when and if other sites meet applicable MEPA filing thresholds.

The selection of 1.5 MW wind turbines and the proposed height and alignment of the turbines is appropriate given the scope and purpose of the project. Lower turbines would not exploit the wind resource present as efficiently, and would thus reduce the air quality benefits associated with the project. Upon review of the ENF, I find that further evaluation of alternative turbine heights, locations, or configurations is not warranted under MEPA, nor is evaluation of any reduced build scenarios.

#### Land Alteration

The project results in the direct alteration of approximately 48 acres of land. The proponent is proposing to allow natural revegetation of approximately 38 acres of disturbed land, keeping a 16-foot wide access road and small areas around the base of the turbines clear upon project completion. This commitment is appropriate mitigation for impacts to land. The proponent should coordinate with appropriate forest managers to ensure that the revegetation plan is consistent with the applicable forest management plans on the project site. Fragmentation and disturbance of forest habitat may cause changes in species composition, and may result in increased potential for establishment of invasive species in a sensitive mountaintop environment. I anticipate that the Conservation Permit will include monitoring and maintenance conditions for rare species that will also have the effect of reducing the potential for forest fragmentation and introduction of invasive species.

I have carefully reviewed the proponent's calculations of direct land alteration and I accept the figure of 48 acres presented in the ENF. I have received numerous comments that I should require preparation of a discretionary EIR because the

amount of land alteration associated with the project is close to a mandatory EIR threshold for land alteration (48 acres and 50 acres respectively). Under the MEPA regulations, merely being close to a mandatory EIR threshold is insufficient reason to require a discretionary EIR. I must make a finding that the project in question, despite being under a mandatory EIR threshold, nonetheless has potential to cause significant Damage to the Environment and that preparation of an EIR would be an effective mechanism to prevent or reduce such Damage to the Environment. For the reasons explained elsewhere in this Certificate, I am not prepared to make such a finding in this case.

This Certificate assumes that direct alteration to land associated with the project will not exceed 50 acres. If the project should change to result in alteration of greater than 50 acres of land, the proponent should file a timely Notice of Project Change (NPC)<sup>8</sup>. Under such circumstances, I would take public comment on the NPC and would reconsider the applicability of the mandatory EIR threshold.

#### Wetlands

The project results in alteration of approximately 3,900 square feet of bordering vegetated wetlands (BVW) and 375 linear feet of bank associated with crossing nine intermittent streams and three BVW areas for access roads. The proponent is proposing replication of 5,160 square feet of wetlands and 309 linear feet of bank. I note the concerns in the comments received with the proposed single replication area and the location of several elements of the stormwater management system. DEP has indicated that it may want the proponent to redesign several of the stream crossings to further reduce impacts. The proponent has been consulting closely with the local conservation commissions and DEP on wetlands impacts, and I am confident that the review process will require avoidance or minimization of impacts to wetlands to the maximum feasible extent, and lead to appropriate mitigation for any unavoidable impacts. The proponent can resolve any remaining details during the wetlands permitting process.

#### Rare Species

The project results in the "take" of the Large-leaved goldenrod (*Solidago macrophylla*), a state-threatened species, and

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<sup>8</sup> Of course, the proponent would need to file a NPC as well if there were any material changes to the project, in accordance with Section 11.10 of the MEPA regulations.



will result in impacts to the Mountain wood fern (*Dryopteris spinulosa americana*) a state "watch list" species. The proponent has developed a transplantation program and conservation management plan for impacts to rare plants. The project will require a Conservation Permit from the Massachusetts Division of Fisheries and Wildlife (DFW). The proponent can resolve the remaining details of the conservation and management plan with DFW. I anticipate that the Conservation Permit will include a requirement for post-construction monitoring of rare plants. (The comment letter from DFW expresses concern with potential impacts to birds and bats, but does not indicate that the project would constitute the "take" of any rare birds or bats.)

### Wildlife

The proponent has conducted several studies of risk to avian populations, and concluded that the project involves minimal risk. Studies from the nearby wind farm in Searsburg, VT also provide confirmation that avian impacts should prove minimal. While the studies are informative, I view the conclusions reached as tentative. The US Fish and Wildlife Service and several other commenters have discussed higher than anticipated impacts to bats from a wind farm in West Virginia. Particularly in light of the potential for additional wind farms in mainland Massachusetts, I see the need to obtain scientifically rigorous data on impacts to avian species from an operational wind farm in the interior of the Commonwealth.

The studies conducted to date represent an appropriate amount of research on wildlife impacts. Further analysis in an EIR would be unlikely to alter the basic conclusions of any of the studies, and I am comfortable that the MEPA review and my decision are based on sound science. Definitive conclusions on potential impacts necessarily must await the completion of the project and analysis of follow-up monitoring data<sup>9</sup>.

It is the ongoing responsibility of the proponent to manage its project in a manner that avoids or minimizes impacts. To meet its obligations, the proponent should be willing to support its "fair share" of post-construction monitoring, and to facilitate the scientific study of the site in cooperation with others. The proponent has made such commitments in a letter from its consultants to the MEPA Office dated December 15, 2003. I lay out the purpose and goals of the post-construction monitoring

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<sup>9</sup> I note that this is the case with any large engineered structure, and this decision is consistent with previous EOEAs allowing large energy infrastructure projects to proceed conditioned on follow-up monitoring (see EOEAs #12355 for a recent example).

below.

### Visual/Aesthetic

Visual and aesthetic issues are often the most controversial aspects of wind power development projects among the general public. Whether in the ocean, along the coast, or in the mountains, by their nature wind turbines are large structures typically placed in highly visible locations.

The perception of visual impacts is inherently subjective. I have received comments critical of the "industrialization" of the Berkshires represented by the Hoosac Wind project. On the other hand, I have also received comments from those who find wind turbines elegant additions to a landscape, arguing that the structures represent hope for a sustainable energy future. These people see such "industrialization" as beautiful. This debate about alteration of existing landscapes is not new and will continue.

The analysis of visual impacts under MEPA is determined on a case-by-case basis. In general, detailed analyses are warranted when a project requires a state permit in which analysis of visual impacts is an express requirement (such as a Chapter 91 License for a non-water dependent use), or when a project is located on state land (for example, a proposed wind farm or other highly visible structure(s) located in a state park or forest, such as EOE A #12230). In this case, the project is located on private and municipal lands and the required state permits do not require an explicit analysis of visual impacts. Nonetheless, I remain sensitive to the need to understand the visual impacts of highly visible projects such as wind farms. At a minimum, I will ensure that the proponent of any wind project has made accurate and representative simulations of the visual appearance of the turbines, and allow members of the public to draw their own aesthetic conclusions based on those simulations. The proponent of the Hoosac Wind Project has produced such appropriate visual simulations. Further analysis of the issue under MEPA is not warranted in this case<sup>10</sup>.

### Lighting

The major unresolved issue affecting visual impacts concerns

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<sup>10</sup> The analysis of impacts to historic resources conducted by the federal government pursuant to Section 106 of the National Historic Preservation Act of 1966, conducted in consultation with the Massachusetts Historical Commission, may involve visual simulations from additional vantage points in the project area.

the proposed lighting of the turbines. The proponent has proposed to light turbines 1,4,8, and 11 on Bakke Mountain and turbines 12,17, and 20 on Crum Hill. The proponent would not employ any lighting during daytime hours and would use medium-intensity red obstruction lights with the longest allowable off-cycle during nighttime hours. The proponent would synchronize lights to flash simultaneously.

The lighting requirements will need to balance visual concerns and potential impacts on birds and bats (some of which may be attracted to certain types of lighting) with the need to ensure the safety of the structures, particular with respect to aviation (the project site is located as close as 5.9 miles to a commercial airport, although the project does not penetrate any defined aviation spaces). The Federal Aviation Administration (FAA) will review each turbine location and height, and issue essentially binding recommendations on lighting as part of its "Part 77" review process. The FAA process balances consideration of safety, aesthetics, and environmental impact. The proponent has agreed to implement the least intrusive lighting plan allowable by the FAA. By copy of this Certificate, I also request that the FAA recommend the minimum amount of lighting that the agency views as necessary to ensure an appropriate level of aviation safety.

### Noise

As part of the local review process, the proponent conducted a study of project-related noise impacts and developed noise contours for the project. The results show that no residential structures fall within the modeled 45 dBA contours associated with the project. The highest noise contour associated with the project consists of two discrete 55 dBA contours in the immediate area of the Bakke Mountain and Crum Hill ridgelines.

### Historic/Archaeological Resources

The project site contains two areas of potential archaeological sensitivity (the lower portion of the Bakke Mountain access road in Florida and the area of the substation in Monroe). The results of an intensive archaeological survey did not yield any artifacts and no further archaeological study is recommended.

As part of its review, the United States Army Corps of Engineers will review the project for compliance with Section 106 of the National Historic Preservation Act of 1966. USACOE will

define an Area of Potential Effect (APE) for the portion of the project within its jurisdiction and evaluate how the project would affect any historic properties or districts within the APE<sup>11</sup>. USACOE will consult with the State Historic Preservation Officer at the Massachusetts Historical Commission to determine whether any historic resources are located within the APE; whether the project may have an effect upon any historic resources within the APE; and whether there exist feasible measures to avoid, minimize, or mitigate impacts to historic resources within the APE. I note that the proponent has already produced visual simulations for historic properties within a 1½-mile radius of the project site.

#### Transportation

The project will require modifications to the Route 2/Tilda Hill Road intersection to accommodate construction vehicles and turbine delivery. The modifications include widening shoulders at the intersection and relocation of existing utility poles. The impacts on the state highway should prove minor and the proponent can address any remaining concerns during the permitting process.

#### Educational Opportunities/Tour Groups

The project represents a significant opportunity for public education, and based on the experiences at Searsburg and other operational wind farm sites it is likely that the project will become somewhat of a tourist attraction. The decision on whether and what type of public access to allow to the project site rests ultimately with the proponent and applicable property owners. Nonetheless, I encourage the proponent to allow public access for educational purposes, consistent with the needs of site safety and security and the preservation of rare plant communities and other resources along the ridgelines.

#### Protected Open Space/Article 97

The project will require upgrades to existing electrical distribution infrastructure on existing rights-of-way within Article 97 lands. The project may include pruning of vegetation within these rights-of-way. Such activities do not constitute the new conversion of Article 97 lands to a non-Article 97 use, nor do such activities constitute the release of an interest in

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<sup>11</sup> USACOE has yet to complete the Section 106 review, nor has it reached a decision on whether the defined area would extend beyond the project site.

land held for conservation purposes.

### Decommissioning

The proponent is developing a decommissioning plan as part of the local review of the project. I am satisfied that this process will lead to development of an appropriate decommissioning plan.

### Monitoring

In response to concerns of this office, the government wildlife and resource management agencies, the Audubon Society, the Conservation Law Foundation, and others, the proponent has committed to post-construction monitoring of impacts to birds and bats. The Massachusetts Technology Collaborative (MTC) and the Massachusetts Office of Commonwealth Development (OCD) have agreed to consider defraying a portion of the costs of this monitoring effort through their collaborative OCD Partnership<sup>12</sup>, subject to development of a specific, detailed proposal for the monitoring program; a not-to-exceed total monitoring cost of \$250,000.00; an agreement by the proponent to defray an appropriate portion of such costs; and satisfactory completion of the OCD Partnership approval process. The objective of this monitoring effort shall be to ensure that meaningful scientific studies are conducted on the site. The proponent and the municipalities have agreed to allow the expanded studies on their property, and to cooperate with MTC, OCD and other appropriate parties in design and execution of the study. I commend the proponent, the MTC, and the OCD for their commitment, as outlined above, to ensuring that the project will yield data useful for the management of project site, and more broadly to the scientific understanding of an important emerging industry.

Development of a monitoring program will provide evidence to evaluate the accuracy of the predictions for minimal impacts to wildlife. An ambitious monitoring program will also serve to provide scientifically useful information in a much broader context of the Commonwealth's energy and environmental policies.

The details of the post-construction monitoring are still under development. The scope and methodologies for monitoring at Searsburg should provide a useful rough guide for development of a monitoring program, although any monitoring program will need

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<sup>12</sup> I have determined that the financial participation of OCD, MTC and any other state agency in this wider scientific study would not constitute "financial assistance" for the project within the meaning of the MEPA regulations.

to be tailored to the specifics of the Hoosac Wind Project. I will consult further with the MTC, OCD, the proponents, other appropriate state and federal wildlife management agencies, the Massachusetts Audubon Society, and other interested parties on the design of the follow-up studies. To ensure that the results of the study are widely distributed, the proponent should forward a copy of the completed study to the MEPA Office, which will place a Notice of Availability in the *Environmental Monitor*.

I wish to stress that I am not requiring the proponent to undertake a programmatic or generic review of potential wildlife impacts from wind power, nor do I expect that the proponent would bear the responsibility for conducting an industry-wide research program. In addition, I am not imposing any form of moratorium on review of other terrestrial wind farms pending results of the enhanced monitoring studies (I note that MEPA does not grant EOEAs the authority to impose development moratoriums).

The proponent has a responsibility for a level of post-construction monitoring commensurate with the size and potential impacts of the project and consistent with the requirements of any applicable permits. I view such a monitoring program as a "baseline" level of research by the proponent. I see the project as presenting an excellent opportunity for study and research beyond "baseline" research, with value in a context much broader than the project itself. I will work with appropriate parties to ensure that the proponent is asked to shoulder a fair burden of post-construction monitoring, and that opportunities for scientific research beyond what can reasonably be expected from the proponent are maximized. I anticipate that the details of the post-construction monitoring program would be finalized by the time the project becomes operational.

#### Mitigation

The project itself will produce significant air quality benefits for the Commonwealth. Nonetheless, the proponent is required to avoid or minimize negative impacts to the greatest feasible extent, and to mitigate any unavoidable impacts. As discussed above the project design generally avoids or minimizes impacts, and the permitting process will ensure that appropriate mitigation is developed for any unavoidable impacts. The proponent has summarized the mitigation commitments for the project in a letter from Daniel Lovett to Arthur Pugsley dated December 15, 2003, and many of these commitments are discussed elsewhere in this Certificate. I anticipate that the substantive mitigation commitments will become permit conditions as the

project moves through the permitting process.

### Conclusion

Based on the review of the ENF, supplementary materials, and comments received, I find that the impacts of the project have received adequate study under MEPA and that preparation of an EIR is not warranted. The project sets an important precedent for development of renewable energy in the Commonwealth, and will lead to significant air quality benefits. The post-construction monitoring developed in cooperation with the MTC, OCD and others will lead to scientifically useful information of benefit well beyond the confines of the project site. The proponent can resolve any remaining issues during the permitting process. The MEPA review of the project is concluded.

December 26, 2003

Date

/s/ Ellen Roy Herzfelder

Ellen Roy Herzfelder

Comments received (continues on next page):

11/30/03 Eleanor Tillinghast (newspaper article)  
12/02/03 Massachusetts Aeronautics Commission  
12/08/03 Berkshire Regional Planning Commission  
12/11/03 Margaret Hepler  
12/11/03 Representative Daniel Bosley  
12/12/03 Walton Congdon  
12/12/03 Bill Orr  
12/12/03 Department of Environmental Protection WERO  
12/14/03 Tim Zelazo, Town of Florida Planning Board  
12/15/03 Massachusetts Historical Commission  
12/15/03 Danette Reynolds-Gallagher  
12/15/03 Maeve Gallagher  
12/15/03 Town of Monroe Select Board  
12/15/03 Massachusetts Highway Department  
12/15/03 Laura Felsch Roberson  
12/15/03 David Roberson  
12/15/03 James Williams  
12/15/03 Kristen Swenson  
12/15/03 The Kestrel Trust  
12/15/03 Massachusetts Association of Conservation Commissions

12/15/03 Environmental League of Massachusetts  
12/15/03 Simon Zelazo  
12/16/03 Senator Andrea Nuciforo  
12/16/03 Kathleen O'Connor and Frederick Spence  
12/16/03 Berkshire Natural Resources Council  
12/16/03 David Dethier  
12/16/03 Town of Florida Board of Selectmen  
12/16/03 Eleanor Tillinghast (letter)  
12/16/03 Conservation Law Foundation  
12/16/03 Tim Zelazo  
12/16/03 Michele Morris-Friedman  
12/16/03 United States Department of the Interior, Fish and  
Wildlife Service  
12/16/03 Conservation Law Foundation  
12/16/03 Massachusetts Division of Fisheries and Wildlife  
12/16/03 Massachusetts Audubon Society  
12/17/03 Eleanor Tillinghast (supplemental information to  
letter)  
12/17/03 Appalachian Mountain Club  
12/17/03 Berkshire Renewable Energy Collaborative  
12/19/03 Eleanor Tillinghast (e-mail)  
12/22/03 Center for Ecological Technology

ERH/ASP/asp

cc: Col. Thomas L. Koning, United States Army Corps of Engineers  
(USACOE) District Engineer  
Christine Godfrey, Karen Adams, USACOE  
Terry Flieger, Jim Powers, Federal Aviation Administration